

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: : Bankruptcy No. 12-23267 CMB
MATTHEW J. MAUCK, : Chapter 7
Debtor :

JAMES R. WALSH, ESQUIRE, :
TRUSTEE OF THE BANKRUPTCY :
ESTATE OF MATTHEW J. MAUCK, : Doc. No.
: :
Movant : Hearing Date and Time:

v. :
NO RESPONDENT(S) :

**ORDER CONFIRMING SALE OF PERSONALTY FREE AND CLEAR OF THIRD
PARTY INTERESTS, LIENS, CLAIMS, CHARGES AND/OR ENCUMBRANCES**

This _____ day of _____, 2014, on consideration of the Trustee's Motion To Sell Personalty Free and Clear of Third Party Interests, Liens, Claims, Charges and/or Encumbrances to Jamie Napolitano for \$3,200.00, after hearing held in Courtroom B of the United States Bankruptcy Court for the Western District of Pennsylvania, Penn Traffic Building, First Floor, 319 Washington Street, Johnstown, PA 15901 this date, the Court finds:

1. That service of the Notice of Hearing and Order setting hearing on said Motion to Sell Personalty Free and Clear of Third Party Interests, Liens, Claims, Charges and/or Encumbrances, was effected on the following secured creditors whose liens are recited in said Motion for sale, viz:

NONE

2. That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the Movant as shown by the Certificate of Service duly filed and that the named parties were duly served with the Motion.

3. That said sale hearing was duly advertised in the Westmoreland Law Journal on _____ and in the Tribune-Review on _____ as shown by the Proof of Publications duly filed.

4. That at the sale hearing no higher offers were received and no objections to the sale were made which would result in cancellation of said sale.

5. That the price of \$3,200.00 offered by Jamie Napolitano is a full and fair price for the property in question.

6. That the purchaser is acting in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F.2d 143 (3d. Cir. 1986).

IT IS ORDERED, ADJUDGED AND DECREED that the private sale of personalty described in the Motion as Universal Industrial Lazer Model ILS-12150D and Universal Versal Industrial Lazer Model VS-230, is hereby confirmed to Jamie Napolitano for \$3,200.00, free and divested of the liens herein described; and, that James R. Walsh, Esquire, Trustee of the Bankruptcy Estate of Matthew J. Mauck, shall make, execute and deliver to the purchaser above-named the necessary documents required to transfer title to the property purchased upon compliance with the terms of sale.

The sale of the personalty shall be a sale of the personalty in “AS IS”, “WHERE IS” condition, without representations or warranties of any kind whatsoever, and the participation of the purchaser in the sale process shall constitute an agreement and representation that the buyer has inspected the personalty, and is purchasing the same solely on the basis of such inspections, and not as the result of any representations of any kind whatsoever by the estate/debtor, or its/his agents, except as otherwise set forth herein.

IT IS FURTHER ORDERED, that the above recited liens and claims be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims; and, that after due notice to the claimants and lien creditors, and no objection on their parts having been made, the incidental and related costs of sale and of the within bankruptcy proceeds, shall be paid in advance of any distribution to said lien creditors.

FURTHER ORDERED, that a sales commission of \$320.00 and expenses of \$500.00 for a total of \$820.00 is approved for Fall Liquidations by the Court and shall immediately be paid at closing.

FURTHER ORDERED that the Movant shall serve a copy of the within Order on each Respondent (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the purchaser, and the attorney for the purchaser, if any, and file a certificate of service.

FURTHER ORDERED that the closing shall occur within thirty (30) days of this Order and the Movant shall file a report of sale within ten (10) days following closing.

FURTHER ORDERED that this Order survives any dismissal or conversion of the within case.

BY THE COURT:

CARLOTA M. BOHM
UNITED STATES BANKRUPTCY JUDGE